

**MINUTES  
COLUMBUS PLAN COMMISSION MEETING  
OCTOBER 3<sup>rd</sup>, 2007 AT 4:00 P.M.  
CITY COUNCIL CHAMBERS, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Dave Fisher (President), John Hatter, Brian Russell, Dave Bonnell, Roger Lang, Steve Ruble, Pat Zeigler, Tom King and Bryan Haza.

**Members Absent:** Jesse Brand, Joan Tupin-Crites and Tom Finke (County Liaison).

**Staff Present:** Jeff Bergman, Sondra Bohn, Laura Thayer, Thom Weintraut, Heather Pope, Emilie Pannell, Rae-Leigh Stark and Alan Whitted (Deputy City Attorney).

**CONSENT AGENDA**

Approval of September 5, 2007 meeting.

Motion: Mr. Bonnell made a motion to approve the minutes. Mr. Hatter seconded the motion and it carried unanimously by voice vote.

**OLD BUSINESS REQUIRING COMMISSION ACTION**

**PP-07-07: HUNTERS RIDGE MAJOR SUBDIVISION-** a request by Thompson Development LLC to subdivide 25.24 acres into 27 lots. The property is located on the east side of Terrace Lake Road 475 feet south of Carr Hill Road in the City of Columbus.

Mr. Weintraut presented the staff information on this request.

Mr. E.R. Gray with E.R. Gray & Associates and Robert Thompson represented the petitioner.

Mr. Gray stated this has been before the Plan Commission numerous times. He stated they had been instructed by the members of the Plan Commission to redesign the project to exclude the connectivity to the north up to Suburban Court. He stated they had done that and resubmitted it to the Plan Commission. Mr. Gray asked that the Commission approve this request.

Ms. Pat Zeigler read a statement supporting the connectivity on Suburban Court.

Mr. Fisher opened the meeting to the public.

Mr. Carl Good stated this petition has been discussed in the past. He stated the neighborhood was not as prepared at this meeting as they had been at past meetings. He stated it was his opinion that the decision had already been made and the Plan Commission had decided not to make the connection. Mr. Good stated that in the past the neighbors have gone over the concerns, which included safety.

Mr. Good stated that at the rezoning request it was understood by their group that the connectivity was not to be made. He added that at three different meetings they were told that the issue would be decided during the platting process.

Mr. Good stated that at that time that the people fully understood that if it was rezoned without the connectivity, it was the intent of the Planning Department to encourage the connectivity. Mr. Good stated he hired an attorney for legal council and as a group; the neighborhood came forward and presented their concerns at the next meeting. He stated it was his opinion that the Plan Commission did a good job of weighing the overall concerns of the neighborhood. He stated that the Plan Commission made the decision to continue the plan with instructions to remove the access to the north. He added that the developer has done a good job meeting the intent and it is only right that it should be passed as presented. Mr. Good stated this plan as presented is consistent with the Plan Commission decision several meetings ago.

Mr. Mark Gorbett stated he agreed with Mr. Good's comments. He stated it was his understanding that at one of the meeting when they had the room filled with neighbors, the street connectivity would be removed and the revised plan would go forwarded as presented. Mr. Gorbett stated he concurred with the developers.

Mr. Gary Henderson, Columbus Fire Chief spoke for the connectivity. He stated how important it was for the secondary access to be installed for emergency services. Chief Henderson stated that if there ever had to be an evacuation at this site there would only be one way out and citizens would have to be taken through a hazardous area.

Mr. Good asked if this proposed plan allowed for access to the east where future planning would indicate a subdivision. Mr. Fisher stated yes.

Mr. Fisher closed the meeting to the public.

Mr. Lang stated that he would like to hear the opinion of Mr. Ruble and Mr. Bergman based on information that has presented at the meetings on this petition.

Mr. Ruble stated his position has not changed from the beginning. He stated it was his opinion for public safety reasons and for traffic circulation that the connectivity street should be built. Mr. Ruble stated this was the reason he would not vote for the current proposal that has been submitted.

Mr. Bergman stated that staff's position is similar to the City Engineer. He stated that the connection is appropriate for both public safety reasons and traffic management. He stated it was important to create a walkable community. Mr. Bergman added that one thing to be emphasized is that the Subdivision Control Ordinance requires the connectivity regardless of the number of lots created in a development where a stub street is located. Mr. Bergman stated that if there is not to be a connection the Plan Commission needs to modify or deviate from the requirements of the Subdivision Control Ordinance. He added in order to do that the Plan Commission needs to find that the six criteria that are shown on the screen are met. He added that looking at this case and considering the input from the neighboring property owners the staff's position is that those criteria have not been met. He noted criteria one, which indicates that the modification should not be detrimental to the public health, safety and welfare. Mr. Bergman added that it is his opinion that based on input from the Fire Department and other agencies that omitting the connection would be detrimental to the public health and safety. He

stated that the modification must be justified because of exceptional topographic or other physical conditions that are unique to the property as opposed to inconvenience or financial disadvantage and he stated there was no evidence that this existed at this site. Mr. Bergman stated that criteria four which indicates it must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. He stated it is the staff's interpretation that the Comprehensive Plan and the Subdivision Control Ordinance intended to connect neighborhoods. He stated that criteria had not been met either.

Mr. Fisher stated the first meeting was continued so the neighbors could gather additional information on this request. He stated at the next meeting the public attended and expressed the views on the connectivity of the street. Mr. Fisher stated at that meeting the Plan Commission was to ask the developer to bring a petition back at another meeting with a proposal that did not show the connectivity. He stated that was done based on the information that was presented at that meeting. Mr. Fisher stated the petitioner has presented a proposal that does not show the connectivity and does not meet the Ordinance as written, but has done so at the request of the Plan Commission. Mr. Fisher stated it was his opinion that to change the character of the neighborhood could create an unsafe situation. He stated that it was not visible to the public eye that a stub street exists at this site and it is not marked.

Mr. Bergman stated that the previous motion was a continuance to show an alternate design. He stated that procedurally both options remain on the table and in any motion that is made it should be clear that if it is denial or approval motion and whether or not the connection should be made. Mr. Bergman added that there is one other modification being requested and that deals with a landscape easement and staff would support this modification.

Motion: Ms. Zeigler made a motion to approve the initial proposal that would include the street connection and to allow the landscape easement modification. Mr. Ruble seconded the motion and it failed with a vote of 5 yeas and 4 nay votes. The nay votes were Mr. Russell, Mr. Fisher, Mr. King and Mr. Hatter.

Motion: Mr. Fisher made a motion to approve this request without the connectivity. He stated the modification would not be detrimental to public health, safety and general welfare. Mr. Fisher added that the connectivity being presented to the east would address any safety concerns. He stated he did not think adjacent property would be adversely affected and the other modification decision criteria are satisfied. Mr. King seconded the motion and it failed with a vote of 5 yeas and 4 nay votes. The nay votes were Mr. Haza, Mr. Ruble, Ms. Zeigler and Mr. Lang.

Mr. Fisher stated the petition would be continued until the next meeting.

Mr. Bergman stated that since an indecisive vote has occurred two meetings in a row the staff would poll the Plan Commission members concerning availability at next month's meeting. He stated it would appear that all eleven members need to be present for the vote. He also asked if the Plan Commission members would be willing to move meeting dates, times, etc. to have all eleven members in attendance.

Mr. Whitted asked if that would mean a special meeting. Mr. Bergman stated that given the vote it would appear that all eleven members would need to be present. Mr. Whitted stated they had to give forty-eight hour notice for the special meeting. Mr. Bergman stated he would try to have a date and time within the week. Mr. Bergman stated he would need to look at the notice situation and if we could do a meeting for this particular item sooner than the regular meeting staff is open to making the arrangements if Plan Commission thinks that is appropriate.

Mr. Gray stated they would appreciate any additional help to move this request forward.

Mr. King stated he attended at the meeting where they had been asked to change the proposal to delete the connection and wanted to know what the vote was then. Ms. Ziegler stated it was 6-1 with Mr. Ruble being the nay vote. He stated the applicants had complied and it was two meetings later and still unresolved. Mr. Bergman stated that one of the six yea voters was no longer a Plan Commission member.

Mr. Fisher suggested that staff organize a meeting when we can have eleven members present to make a decision on this request as soon as possible.

Mr. Haza asked if there were any alternate solutions such as a connection toward Carr Hill Road. Mr. Fisher stated that the connectivity had to go to Suburban Court because that is where the stub street is located.

Mr. Fisher stated that this request will be continued to a subsequent meeting and Planning staff will arrange a special meeting.

**RZ-07-07: R. GORDON MILLER REZONING** – a request by R. Gordon Miller to rezone a property of 7.88 acres from B-1 (Neighborhood Business) to I-2 (Medium Industrial). The property is located on the north side of County Road 450 South, 616 feet west of County Road 175 West or, more specifically, at 2120 West County Road 450 South in the City of Columbus.

Mr. Russell abstained from voting on this request and left the meeting.

Ms. Thayer presented the staff information on this request.

Mr. Jeff Rocker, attorney and R. Gordon Miller owner of the property represented the petitioner.

Mr. Rocker stated that this petition was originally presented to the Plan Commission as B-5 and after discussion with staff it was determined that an I-2 zoning was more in keeping with the surrounding uses. He stated it was his opinion that I-2 (Medium Industrial) zoning would be a consistent use of property in that region of the City.

Mr. Rocker stated that after reviewing the Comprehensive Plan the petitioner believes that this meets all of the criteria. He stated the Plan promotes responsible and industrial growth in this area. Mr. Rocker stated there is a continuing demand for readily available industrial lots and this property meets that demand by being so close to Interstate 65. He stated that there are city utilities present and access to roads, which are in good shape. Mr. Rocker stated the best use of this property would be to provide industrial sites for development.

Mr. Rocker stated that they would ask that a favorable recommendation be sent to the City Council for approval.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Motion: Ms. Zeigler made a motion to send a favorable recommendation to the City Council for this rezoning. Mr. King seconded the motion and it carried with a vote of 8-0.

Mr. Russell returned to the meeting.

**RZ-07-08: HOLMES AND CONWELL REZONING** – a request by Todd and Joyce A. Holmes and Todd Conwell to rezone a property of 14.81 acres from R-3 (Single Family Residential) to R-7 (Multi Family Residential). The property is located on the west side of I-65, 450 feet south of Two Mile House Road in the City of Columbus.

Ms. Pope presented the staff information on this request.

Mr. Jeff Marshall with Design & Planning and Jeff Bush developers of the property represented the petitioners.

Mr. Marshall stated that the area under consideration is included in the Western Hills Area of the Comprehensive Plan. He stated the plan acknowledges the area as primarily residential. He stated that the re-zoning would allow for a series of attached multifamily units consisting of smaller models to larger units suitable for families.

Mr. Marshall stated that public services are available in the area and it will not impose an undue strain on the utilities to serve the site.

Mr. Marshall stated that the proposed re-zoning would allow moderately priced housing to be developed; it encourages diversity by providing a cluster of housing of different size than its surrounding and provides another style of housing that is somewhat limited in the western part of Columbus. He stated that this rezoning promotes responsible growth for the community.

Mr. King asked how many single family dwellings would be allowed in an R-3 zoning at this site. Mr. Bergman stated that approximately 22 acres at 5 units per acre would allow for 110 lots. Mr. King asked how difficult it would be to construct over 200 units in the same area because of the topography. He stated there are too much topography to deal with and many other things to consider when building a single-family residence. He stated there is a need for multi family units on the west side of town.

Ms. Zeigler if a second access can be provided since they were combining existing lots with the areas previously discussed. Mr. Marshall stated yes. Ms. Zeigler stated it was her opinion that this was a great combination of housing for the west side.

Mr. Fisher opened the meeting to the public.

Mr. Chuck Blunk stated that he owned property along the gravel road and asked if he would have access to a new city street continued at this location. Mr. Marshall stated there would be fifty foot of right-of-way and Mr. Blunk would have access to his property from that right-of-way.

Mr. Fisher closed the public hearing.

Mr. Fisher stated it was his opinion that this was great opportunity for housing on the west side of town and for infill, which is something that the Plan Commission supports.

Mr. Lang asked if this request was only for the one parcel. Mr. Fisher stated they were only

looking at the portion of the property that was before the Plan Commission today, if the other areas required additional rezoning the applicant would have to come back before the Plan Commission.

Ms. Zeigler stated that R-7 would give the developer more flexibility to make the size of the actual buildings relate to the land.

Mr. Ruble stated that the staff report contained two recommendations for approval of the petition. He asked if the applicants agreed with those. Mr. Marshall stated yes.

Mr. Bergman stated that this particular property has been to the Plan Commission several times and access has been one of the key points of discussion every time. Mr. Bergman stated that this is only for rezoning and once it is multi-family, it could be designed in any number of ways. Mr. Bergman stated that Plan Commission does not regulate whether housing is owner occupied or renter occupied. He stated that staff agrees with the applicant's discussion of the Comprehensive Plan and the other criteria. He stated this was a good location for multi-family development and that he would recommend sending a favorable recommendation to the City Council with the two conditions attached.

Ms. Zeigler made a motion to send a favorable recommendation to the City Council with the following conditions: (1) Prior to any development, or the issuance of any development approvals, the area subject to the rezoning shall be served by two distinct streets providing access to and from existing public streets, and (2) Prior to any development, or the issuance of any development approvals, the area subject to the rezoning shall be included in a replat that provides property lines matching the subject area. Mr. Russell seconded the motion and it carried with a vote of 9-0.

## **NEW BUSINESS REQUIRING COMMISSION ACTION**

**PUD-07-08: COLUMBUS CROSSING** – a request by Menard Inc. for a modification to a Final PUD plan to allow the relocation of the yard gate from the east to the west side of the Menard store, with a new access point on Merchants Mile. The property is located at 2315 Merchants Mile in the City of Columbus.

Ms. Pope presented the staff information on this request.

Mr. Tom O'Neil, Attorney for Menard's represented the petitioner.

Mr. O'Neil stated the store has been successful at this site and they are asking for a site plan amendment. He stated there were some housekeeping items that also need to be addressed and they are willing to do that at this time. He stated they were asking to flip the yard gate from the east side of the store to the west side in this request. He stated that the east side is the Garden Center area of the store and there is a lot of pedestrian traffic in that area. Mr. O'Neil stated that there was a conflict between the pedestrian and vehicular traffic that enters the yard. He stated that as owner of Lot 2 to the west there is still some flexibility for planning to relocate the yard gate to the west side of the store. He stated as of Friday most of the housekeeping items had been addressed. Mr. O'Neil stated that they would ask for a favorable recommendation.

Ms. Zeigler stated this site has become a major development on the west side of town and stated that Lot 2 would benefit from this modification for access. She stated that she was pleased that

there would be additional landscaping added and some would be replaced.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated there were some housekeeping items that were identified and Mr. O'Neil had stated that these would be addressed. Mr. Bergman stated there will need to be a document recorded that describes these changes so there may be some information added to the drawing and signature page. Mr. Bergman stated that staff would recommend approval with staff comments being addressed in a timely manner.

Motion: Mr. Bonnell made a motion to approve this request with the following conditions: (1) Remove the banner on the south side of the fence, (2) Replace all dead or dying landscaping to the satisfaction of the Planning Department, (3) Complete an administrative subdivision to (a) move the lot line between lots 4A and 2 to the centerline of the new access road; (b) establish an access easement along the new access point for lots 4A and 2; (c) plat no access reservations along the frontage of lots 2 and 4B; and (d) establish an access easement on the south and west sides of lot 4B to serve lots 4A and 4B, (4) Remove the outdoor storage of trailers for sale, (5) Mow all public rights-of-way adjacent to Menards owned property, and (6) Landscaping islands should be provided at the point when the new access drive intersects the Menards parking lot. Mr. Haza seconded the motion and it pass with a vote of 9-0.

**RZ-07-09: CASA VERDE** – a request by Michael Sanders and Michael Greven to rezone a property of 2.98 acres from B-2 (Community Business) to B-3 (Central Business). The property is located at the southwest corner of the intersection of 11<sup>th</sup> Street and Jackson Street in the City of Columbus.

Mr. Dave Fisher and Ms. Pat Zeigler abstained from voting on this request and left the meeting.

Mr. Russell served as President at this time.

Mr. Weintraut presented the staff information on this request.

Mr. Sam Miller Architect for the project and Mr. Michael Greven, managing member of Casa Verde represented the petitioners.

Mr. Greven stated that they were very proud to be presenting a signature project in the downtown area. He stated this would be respectful of its historical significance as well as reflective in the architectural design of the buildings. Mr. Greven stated that this project would be one of the largest LEED certified projects in the State of Indiana. He stated that the US Green Building Council endorses LEED. He stated it was his opinion that Columbus is a great community for this project to be located in and it will be an additional improvement for the environment. Mr. Greven stated it was their goal to develop 45 units and market them to the public.

Mr. Russell opened the meeting to the public.

Mr. Max Lemley stated this was a great project for the City of Columbus.

Mr. Russell Jones expressed approval for this project.

Mr. Russell closed the meeting to the public.

Mr. Lang asked if this was approved would it be back before the Plan Commission for review after the rezoning. Mr. Bergman stated the discussion today was the rezoning of the property. He stated when an actual site plan is developed for the property it would be approved administratively. Mr. Bergman stated that the density of the property is in keeping with the surrounding neighborhoods.

Mr. Bergman stated there many considerations to be given to this location, driven in large part by the recent adoption of the Downtown Columbus Strategically Development Plan, which applies to this property. He stated this was actually an extension of the downtown area. Mr. Bergman stated that this proposed development is consistent with that and the rezoning of this site would enable many of the things that the downtown plan envisions for this part of the community to occur. He stated that staff would recommend sending a favorable recommendation to the City Council for this request.

Motion: Mr. Bonnell made a motion to send a favorable recommendation to the City Council for approval. Mr. Haza seconded the motion and it carried with a vote of 7-0

Mr. Fisher and Ms. Zeigler returned to the meeting.

**MP-07-06: REPLAT OF NOBLITT SUBDIVISION** – a request by Burdett Noblitt to create 4 building lots on 93.11 acres. The property is located on the south side of Youth Camp Road approximately 2800 feet west of County Road 550 West in Harrison Township.

Mr. Weintraut presented the staff information on this request.

Mr. Rik Sanders with E.R. Gray & Associates and Denise Noblitt represented the petitioners. Mr. Sanders stated the petitioners are in the process of setting up the estate and dividing the property between the three children. He stated that Michael Noblitt owns this subdivision of the original Lot 2 and they are adding some land to his lot. He stated that Mr. & Ms. Burdett Noblitt live on Lot 1B now and the other two lots would be for the rest of the children. Mr. Sanders stated that this was the purpose for the subdivision and the issue is the access easement. He stated that when Mr. Noblitt purchased the land the lane was located there and had been for at least fifty years serving the property. He stated it is adequate and well maintained. He stated that the turn around would be installed for emergency vehicles.

Mr. Sanders stated they were asking for modification from the access easement length, installation of sidewalks, and so that the access easement could serve more than 4 lots. He stated that they made all the changes regarding by the Plat Committee, but there was one comment that was not addressed. Mr. Sanders stated The City Engineer had recommended clearing some trees along the road. He stated the right of way had been dedicated several years ago so the property does not belong to the Noblitts. He stated that the sight distances of the driveways would be looked at and cleared so the sight visibility is met. Mr. Sanders stated that they would ask for relief of clearing of the trees along Youth Camp Road.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.



Mr. Fisher closed the meeting to the public.

Mr. Ruble expressed concern regarding the number of lots being developed off the access easement. He stated that the idea of limiting the number of lots is that at some point there are too many people being served off something that is less than a city street. He stated this would lead to less access for emergency vehicles. He stated that in the Subdivision Control Ordinance, four was the number of lots stated an easement would serve and this easement would allow five.

Mr. Sanders stated that the owners of Lots 3 & 4 have signed an agreement that will be filed with the plat and recorded. He stated they have agreed to the subdivision and they will share the maintenance of the access easement.

Mr. Weintraut stated this property could no longer be subdivided under the Zoning Ordinance. He stated that Lot 3 & 4 could not be subdivided because of their size. He stated that only five lots would be able to use this access easement to this property.

Mr. Bergman asked Mr. Sanders if he was in agreement with the technical comments in the staff report. Mr. Sanders stated yes. Mr. Bergman stated this has been discussed with the applicants for over a year and staff is comfortable with the solution. He stated there could be no further subdividing of this property. Mr. Bergman stated that staff would support approving this development including the modifications that are listed, as long as there is adequate tree clearing at the entrance to insure adequate sight visibility. He stated that staff does not believe any additional right of way clearing is appropriate at this time.

Motion: Mr. Bonnell made a motion to approve this request and to allow the following modifications: (1) Relief from the requirement that access easements to be less than 1000 feet, (2) Relief from the requirement that sidewalks be constructed along all street frontages, and (3) Relief from the requirement that access easements serve a maximum of 4 lots. Ms. Zeigler seconded the motion and it carried with a vote of 8-1 with Mr. Ruble being the nay vote.

## **DISCUSSION ITEMS**

Mr. Bergman stated the Plan Commission would need to appoint a member to the Joint District Plan Commission. Mr. Bergman stated that Mr. Larry Nunn, a citizen volunteer has agreed to serve in this capacity if the Plan Commission approves of this nomination. Motion: Mr. Haza made a motion to approve this nomination. Ms. Zeigler seconded the motion and it carried unanimously by voice vote. Mr. Bergman stated that the other Plan Commission's appointment to the Joint District Plan Commission was Jack Heaton.

## **DIRECTOR'S REPORT**

Mr. Bergman stated that The City had hired two new employees to fill the Associate Planner positions and then introduced Emilie Pannell and Rae-Leigh Stark to the Commission. He stated they would be presenting requests before the Plan Commission, along with the other members of staff.

Mr. Bergman stated that a new document was included in each member's packet this month called The Planning Post. He stated the intent was to provide each member a list of all meetings and results of each request. He stated that all upcoming educational opportunities would be listed and if any one would choose to participate, they should contact Heather Pope, who will be

serving as a Professional Development Officer on staff.

**LIAISON REPORTS**

**ADJOURNMENT: 6:20 P.M.**

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**David L. Fisher, President**

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**Steve Ruble, Secretary**